

REMARKS

This paper is submitted in response to the final Office Action mailed June 8, 2009 and is accompanied by a Request for Continued Examination (RCE).

In the Office Action, (a) claims 1-23 and 25-54 were pending; (b) claims 1 and 25 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; (c) 1-9, 11-16, 18-22, 25-30, 32, 33, 35-40, 42-44, 46, 48, and 50-53 were rejected under 35 U.S.C. §102(b) as anticipated by Aidlin (U.S. 5,542,789); and (d) claims 10, 17, 34, 41, 47, and 49 were rejected under 35 U.S.C. §103(a) as obvious over Aidlin in view of Leonard (U.S. 6,305,528).

Claims 1, 2, 5-23, 25, 26, and 29-54 remain pending. By way of the foregoing, claims 1, 5, 8-11, 13, 16, 25, 32-35, and 40 are “currently amended,” and claims 3, 4, 27, and 28 are “canceled.” Support for the amendments to independent claims 1 and 25 can be found in paragraphs [0021] and [0022] in combination with Fig. 2b of the originally-filed application. The remaining claims are merely amended for clarity, to be consistent with the amended base claims, and/or to correct dependencies. No new matter is added.

Reconsideration of the application, as amended, is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112

The Office Action asserts that the limitation of the stops being movable across one or more adjustment pathways, as recited in claims 1 and 25, is not found in the specification. Without conceding or taking a position as to the merits of this assertion, claims 1 and 25 are amended herein to recite a plurality of movable stops which can be arranged in preset positions in the adjustment path.

Reconsideration and withdrawal is therefore respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102 AND §103

The present application is directed to a device capable of automatically handling bottles of many different sizes with just one pneumatic system. This is achieved by providing at least one guide railing that is adjustable across a direction of conveyance. To effectuate this adjustability, the system is provided with a plurality of movable stops that can be

selectively introduced into a plurality of different preset positions, for example, bores 7, 7', 7'', etc. So configured, bottles of many different sizes can be handled.

To clarify the automatic aspect of the invention, independent claims 1 and 25 are amended herein to recite that at least one of the movable stops is disposed within a cylinder housing that is disposed at a right angle to the actuator drive, and a control means is provided for moving the movable stop in the cylinder housing between a position of readiness outside of the adjustment pathway and a working position inside the adjustment pathway for delimiting the adjustment of the guide railing. So configured, the at least one movable stop disposed within the cylinder housing can be acted on alternately with compressed air, for example, in a known manner via the control means to automatically adjust the position of guide railing, as described in paragraph [0022] of the originally-filed application in reference to Fig. 2b.

Applicant respectfully submits that neither Aidlin nor Leonard discloses or suggests, alone or in combination, each and every limitation recited in amended claims 1 and 25.

For example, Aidlin merely discloses a guide railing system that includes two pneumatic systems 58, 60 disposed on each side of a guide assembly, wherein each of the systems 58, 60 includes a piston 48, 58 disposed within a block or cylinder. *See*, Figs. 7-10, for example. The blocks or cylinders include various inlet ports 54, 55, 66, 67 for receiving pressurized air for moving the pistons 48, 58 to adjust the guide railings to one of four specific bottle sizes.

In the Office Action, the examiner has equated pistons 48, 58 of Aidlin to the “stops” recited in the claims of the present application. As previously submitted, a person having ordinary skill in the art would not consider the pistons of Aidlin to be “stops” at all because they don’t stop anything. Instead, they move and are stopped by end walls of the blocks or cylinders. For this reason, Aidlin cannot anticipate claims 1 and 25.

Furthermore, Aidlin cannot anticipate claims 1 and 25 because neither of the pistons 48, 58 disclosed by Aidlin is disposed within a cylinder housing that is disposed at a right angle to an actuator drive. Further still, Aidlin does not disclose a control means for moving the movable stop in the cylinder housing between a position of readiness outside of the adjustment pathway and a working position inside the adjustment pathway for delimiting the

adjustment of the guide railing, as is also recited in amended claims 1 and 25. In contrast, each of the pistons 48, 58 of Aidlin are always disposed within the block or cylinder along the same axis as the drive mechanism that moves the guide rails, e.g., the “actuator drive.” Accordingly, neither piston 48, 58 can be moved between a position of readiness outside of the adjustment pathway and a working position inside the adjustment pathway for delimiting the adjustment of the guide railing.

Therefore, Applicant respectfully submits that claims 1, 2, 5-23, 25, 26, and 29-54 are in condition for allowance.

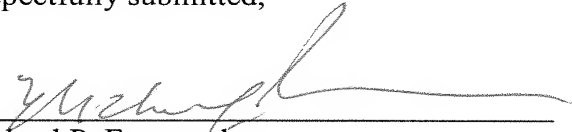
Reconsideration and withdrawal of the outstanding anticipation and obviousness rejections are respectfully requested.

CONCLUSION

Applicant submits that all outstanding objections, rejections, and other concerns have been either accommodated, traversed, or rendered moot. Therefore, the present application is in condition for allowance. If there are any remaining issues that the Office believes may be remedied via telephone conference, please feel free to contact the undersigned at (312) 474-6300.

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Respectfully submitted,

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